

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JEFFREY S. HITCHCOCK, a single  
person,

Plaintiff,

v.

THE CITY OF MOSES LAKE,  
MOSES LAKE POLICE  
DEPARTMENT, POLICE CHIEF  
DEAN MITCHELL, CORPORAL  
AARON HINTZ, OFFICER  
BRANDON BERNARD, and JOHN  
DOE(S),

Defendants.

NO: 2:14-CV-0371-TOR

ORDER GRANTING STIPULATED  
MOTION FOR PROTECTIVE ORDER

BEFORE THE COURT is the parties' stipulated Motion for Protective Order (ECF No. 11). The matter was submitted for consideration without oral argument. The Court has reviewed the motion and the file therein and is fully informed.

1           ACCORDINGLY, IT IS HEREBY ORDERED:

2           1.     Plaintiff's attorneys and Plaintiff will not disclose or share any part of  
3 the "Protected Documents" described below or any information gleaned from said  
4 documents with any person, except as expressly provided herein.

5           2.     The Protected Documents covered by this Order of the court are  
6 described as follows:

7                 a.     All records contained in the personnel files and disciplinary  
8 files for Corporal Aaron Hintz and Officer Brandon Bernard as may be disclosed  
9 by said Defendants to Plaintiff pursuant to Plaintiff's First Set of Interrogatories  
10 and Requests for Production to Moses Lake Police Department;

11                b.     All civilian, inmate or internal and external complaints related  
12 to Corporal Aaron Hintz and Officer Brandon Bernard as may be disclosed by said  
13 Defendants to Plaintiff pursuant to Plaintiff's First Interrogatories and Requests for  
14 Production to Moses Lake Police Department;

15           3.     Plaintiff's attorneys agree that prior to any disclosure of Protected  
16 Documents as described in this Order, they will obtain from each proposed  
17 recipient of the Protected Documents their signature on a copy of the Protective  
18 Order that states that the recipient has received a copy of the Protective Order  
19 regarding the Protected Documents and agrees to be bound by such order. By  
20 signing a copy of the Protective Order the recipient agrees that he or she has read

1 the order, represents that he or she is a person permitted to have access to  
2 information from the Protected Documents and agrees that he or she will make no  
3 further disclosure of the information received, will personally protect the  
4 confidentiality of all copies and will either return them to Plaintiff's attorneys at  
5 the conclusion of this case, or will at that time personally destroy them and upon  
6 request from Defendants will provide a sworn affidavit that he or she has done so.

7 4. Subject to the terms of this Order, Plaintiff's attorneys may allow  
8 inspection of Protected Documents or discuss the contents of Protected Documents  
9 or information therefrom with the following categories of persons and no other:

10 a. The attorneys and members of the legal and support staff of  
11 Plaintiff's attorneys' office;

12 b. Experts, consultants or investigators retained by Plaintiff's  
13 attorneys to assist in evaluation, preparation or testimony in this case;

14 c. Any court personnel, court reporter, mediator, judge and or jury  
15 in this case;

16 d. Any party or their designated representatives;

17 e. Any actual or potential witness who it is believed will give  
18 relevant testimony regarding the confidential materials;

19 f. Any person testifying at a deposition who it is believed will  
20 give relevant testimony regarding the confidential materials; and

1           g. Any person identified as having authored or previously  
2 received the material.

3           5. If it becomes necessary for either party to submit a Protected  
4 Document to the court, that party shall inform opposing counsel with sufficient  
5 time prior to the filing of the Protected Document such that opposing counsel can  
6 note a motion to seal the Protected Document. A motion to seal will not be granted  
7 unless the motion and supporting documents establish compelling reasons to seal.

8           6. The Plaintiff's attorneys agree to use the Protected Documents or  
9 information obtained from them only for the purpose of prosecuting this litigation.

10          7. At the time of exchange of exhibit lists, the Plaintiff shall list in the  
11 exhibit list for their case in chief any Protected Document they intend to use at the  
12 time of trial by designating the exhibit as a "PROTECTED DOCUMENT" in  
13 capital letters. The Defendants may request an in camera review of the exhibit and  
14 make the appropriate motion for the handling of the document at trial in  
15 accordance with the Jury Trial Scheduling Order.

16          8. Nothing in this Protective Order shall limit any producing party's use  
17 of its own documents nor prevent any producing party from disclosing its  
18 confidential information to any person.

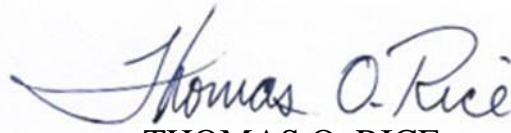
19          9. The Court retains jurisdiction to make any amendments, modifications  
20 or additions to this Protective Order as it deems appropriate.

1           10. The parties, by stipulation, may add additional documents to be  
2 covered by the Order.

3           The District Court Executive is hereby directed to enter this Order and  
4 furnish copies to counsel.

5           **DATED** April 1, 2015.



  
THOMAS O. RICE  
United States District Judge